

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member Hill

February 19, 2010

An act to amend Section 207 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as introduced, Hill. Interstate Compact for Juveniles.

Existing law, the Interstate Compact for Juveniles, which has been adopted by this state, establishes an interstate commission to oversee, supervise, and coordinate the interstate movement of juveniles. Pursuant to the compact, any state statutory law that conflicts with the rules and regulations adopted by the commissioners is superseded.

Existing law generally provides that a minor who is persistently or habitually disobedient or has 4 or more trancies within one school year, as specified, or a person who was a minor when he or she violated a curfew based solely on age, is within the jurisdiction of the juvenile court. Existing law provides that a minor who comes within that description and whose parent or guardian is a resident outside of the state may not be held in a secure facility for more than 24 hours, or no more than 72 hours under specified circumstances, in order to locate the minor's parent or guardian as soon as possible and arrange the return of the minor to his or her parent or guardian.

This bill would delete the provisions of state law regarding a minor whose parent or guardian is a resident outside of the state as described above and would instead provide that if an out-of-state minor is being held pursuant to the Interstate Compact for Juveniles, the minor may

be held for as long as necessary to arrange his or her return to the appropriate jurisdiction.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 207 of the Welfare and Institutions Code
2 is amended to read:

3 207. (a) No minor shall be detained in any jail, lockup, juvenile
4 hall, or other secure facility who is taken into custody solely upon
5 the ground that he or she is a person described by Section 601 or
6 adjudged to be such or made a ward of the juvenile court solely
7 upon that ground, except as provided in subdivision (b). If any
8 such minor, other than a minor described in subdivision (b), is
9 detained, he or she shall be detained in a sheltered-care facility or
10 crisis resolution home as provided for in Section 654, or in a
11 nonsecure facility provided for in subdivision (a), (b), (c), or (d)
12 of Section 727.

13 (b) A minor taken into custody upon the ground that he or she
14 is a person described in Section 601, or adjudged to be a ward of
15 the juvenile court solely upon that ground, may be held in a secure
16 facility, other than a facility in which adults are held in secure
17 custody, in any of the following circumstances:

18 (1) For up to 12 hours after having been taken into custody for
19 the purpose of determining if there are any outstanding wants,
20 warrants, or holds against the minor in cases where the arresting
21 officer or probation officer has cause to believe that the wants,
22 warrants, or holds exist.

23 (2) For up to 24 hours after having been taken into custody, in
24 order to locate the minor's parent or guardian as soon as possible
25 and to arrange the return of the minor to his or her parent or
26 guardian.

27 ~~(3) For up to 24 hours after having been taken into custody, in~~
28 ~~order to locate the minor's parent or guardian as soon as possible~~
29 ~~and to arrange the return of the minor to his or her parent or~~
30 ~~guardian, whose parent or guardian is a resident outside of the~~
31 ~~state wherein the minor was taken into custody, except that the~~
32 ~~period may be extended to no more than 72 hours when the return~~
33 ~~of the minor cannot reasonably be accomplished within 24 hours~~

1 ~~due to the distance of the parents or guardian from the county of~~
2 ~~custody, difficulty in locating the parents or guardian, or difficulty~~
3 ~~in locating resources necessary to provide for the return of the~~
4 ~~minor.~~ *If an out-of-state minor is being held pursuant to the*
5 *Interstate Compact for Juveniles, the minor may be held for as*
6 *long as necessary to arrange his or her return to the appropriate*
7 *jurisdiction.*

8 (c) Any minor detained in juvenile hall pursuant to subdivision
9 (b) may not be permitted to come or remain in contact with any
10 person detained on the basis that he or she has been taken into
11 custody upon the ground that he or she is a person described in
12 Section 602 or adjudged to be such or made a ward of the juvenile
13 court upon that ground.

14 (d) Minors detained in juvenile hall pursuant to Sections 601
15 and 602 may be held in the same facility provided they are not
16 permitted to come or remain in contact within that facility.

17 (e) Every county shall keep a record of each minor detained
18 under subdivision (b), the place and length of time of the detention,
19 and the reasons why the detention was necessary. Every county
20 shall report this information to the Board of Corrections on a
21 monthly basis, on forms to be provided by that agency.

22 The board shall not disclose the name of the detainee, or any
23 personally identifying information contained in reports sent to the
24 Youth Authority under this subdivision.